

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KELVIN JONES,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-04-109
	§	
NFN SHULTZ, <i>et al</i> ,	§	
	§	
Defendant.	§	

**MEMORANDUM AND RECOMMENDATION TO DISMISS
FOR WANT OF PROSECUTION**

Plaintiff was released from custody on June 3, 2005 (D.E. 58). He failed to advise the court of his new mailing address, and appears uninterested in pursuing his claims. Since June, all mail addressed to plaintiff has been returned to the court. On August 24, 2005, plaintiff was ordered to show cause within ten days why this case should not be dismissed for want of prosecution. Fed. R. Civ. P. 41(b). The show cause order was returned to the clerk (D.E. 65-68), and to date no response has been received from plaintiff.

Accordingly, it is respectfully recommended that plaintiff's claims be dismissed for want of prosecution.

Respectfully submitted this 8th day of September, 2005.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1)(C) and Article IV, General Order No. 80-5, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Services Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).